

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
&
HON'BLE SRI JUSTICE K. LAKSHMAN

I.A.No.1 of 2019 in C.M.A.No.506 of 2019
&
C.M.A.No.506 of 2019

JUDGMENT: *(Per MSR,J)*

This appeal is filed challenging the order dt.17-03-2018 in I.A.No.8 of 2018 in O.S.No.33 of 2015 of the XII Additional District Judge, Ranga Reddy District at Vikarabad.

2. Since the appeal is filed with a delay of 313 days, I.A.No.1 of 2019 is filed to condone the said period of delay.

3. In the affidavit filed in support of this delay condonation application, it is stated that though the order impugned in this appeal was passed on 17-03-2018 in I.A.No.8 of 2018 by the XII Additional District Judge, Ranga Reddy District at Vikarabad, the deponent and his brother who is a co-appellant did not talk to each other or to their counsel due to lack of legal knowledge and illiteracy. It is also stated that the 1st petitioner was bed ridden for 30 days due to heavy pain in the back bone which made him immobile and there are also attempts by local elders to end the litigation, but they failed.

4. Counter affidavit was filed by the respondent Nos.1 to 5 and 7 to 10 opposing the application for condonation of delay and it is pointed out in the counter affidavit that no medical evidence has been adduced relating to the illness of the 1st petitioner; and it is stated that earlier, the petitioner had filed C.M.A.No.120 of 2018 and obtained a direction from this Court on 22-02-2018 for early disposal of I.A.No.8 of 2018; and thus,

they were aware of the legal proceedings and cannot plead ignorance of them.

5. We have considered the submissions of learned counsel for the petitioners and the learned counsel for the respondents.

6. Admittedly there are two appellants in this appeal and two petitioners in the I.A. for condonation of delay. Even if one of them had back pain, nothing prevented other party from approaching the lawyer and taking steps to get an appeal filed on both their behalf. Even otherwise, the illness of the 1st petitioner is said to be only for 30 days due to back pain. Even assuming it to be true, there are no valid reasons why the appeal could not be filed in the matter within a reasonable time.

7. We therefore hold that there is no merit in the application seeking condonation of delay.

8. Accordingly, I.A.No.1 of 2019 is dismissed. Consequently, the appeal is also dismissed. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE K.LAKSHMAN

Date: 26-12-2019
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